

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

ALYSON THOMAS,)	Case No.: C 07-0790 PVT
)	
Plaintiff,)	ORDER SETTING DEADLINE FOR
)	DEFENDANT TO NOTIFY THE COURT
v.)	WHETHER IT WILL WAIVE SERVICE OF
)	SUMMONS;
ANTELOPE VALLEY UNION HIGH)	
SCHOOL DISTRICT,)	AND
)	
Defendant.)	CONTINUING HEARING AND CASE
_____)	MANAGEMENT CONFERENCE

On June 25, 2007, Defendant filed a Motion to Quash Service of Process and Dismiss for Lack of Jurisdiction. Plaintiff opposed the motion. Having reviewed the papers submitted by the parties, the court finds it appropriate to issue this interim order, and to continue the hearing on Defendant's motion and the Case Management Conference. Based on the moving, opposition and reply papers, and the file herein,

IT IS HEREBY ORDERED that no later than August 3, 2007, Defendant shall file and serve notice of whether or not it will waive service of summons in accordance with the spirit of Federal Rule of Civil Procedure 4(d). In the event Defendant notifies the court and Plaintiff that it waives such service, it will have 75 days from the date of that notice to respond to the complaint.

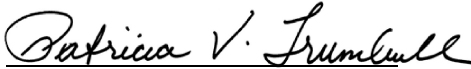
IT IS FURTHER ORDERED that, in light of Defendant having received actual knowledge of

1 the complaint, and having obtained a copy of the complaint, the court finds the interests of justice
2 will be best served by extending until November 1, 2007,¹ the time within which Plaintiff, who is
3 proceeding *in pro per*, must complete proper service of the summons and complaint (unless waived
4 by Defendant).

5 IT IS FURTHER ORDERED that the hearing on Defendant's motion is continued to August
6 14, 2007 at 10:00 a.m. In light of the fact that Defendant failed to properly address the copy of its
7 motion, and the resulting delay in service of the motion upon Plaintiff, Plaintiff may supplement her
8 opposition papers if she so wishes. Any such supplemental opposition papers shall be filed and
9 served (by mail addressed to Defendant's attorney) no later than August 6, 2007. Any supplemental
10 reply may be filed no later than August 10, 2007.

11 IT IS FURTHER ORDERED that the Case Management Conference is continued to on
12 October 16, 2007 at 2:00 p.m.

13 Dated: 7/27/07

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15 PATRICIA V. TRUMBULL
16 United States Magistrate Judge
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27 ¹ This will allow sufficient time for Plaintiff to send a Rule 4(d) request to waive service
28 to Defendant in the event Defendant does not voluntarily do so by August 3rd, and, if Defendant still does
not waive service in response to Plaintiff's Rule 4(d) request, for Plaintiff to have Defendant properly
served (with all associated costs to be ultimately reimbursed to Plaintiff by Defendant pursuant to Rule
4(d)).

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Counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 7/27/07 to:

Alyson Thomas
34 Huerta Street
Greenfield, CA 93927

/s/ Donna Kirchner
CORINNE LEW
Courtroom Deputy